

**American Rivers * Audubon California * Defenders of Wildlife
Endangered Species Coalition * Environmental Defense Fund
League of Conservation Voters * Natural Resources Defense Council
Pacific Coast Federation of Fisherman's Associations * Sierra Club
The Nature Conservancy, California Chapter**

April 16, 2012

Dear Senators Feinstein and Boxer,

On behalf of the undersigned organizations and our millions of members in California and nationwide, we extend our grateful thanks for your leadership in opposing H.R. 1837 (Nunes), the recently-passed House bill that would undermine fundamental protections for California salmon and the imperiled San Francisco Bay Delta estuary. We agree with your sentiments that H.R. 1837 has been a distraction, and an impediment to cooperation and making forward progress in dealing with California's water challenges.

Our groups are particularly concerned with attempts in this legislation, as your Feb. 15 letter to House Natural Resources Committee Chairman Doc Hastings and Ranking Committee Member Ed Markey notes, to weaken the important environmental laws such as the Endangered Species Act and the landmark Central Valley Project Improvement Act (CVPIA). We also agree that such legislative efforts are "an incredible distraction and impediment[s] to the cooperation necessary to solve California's water supply challenges." Just last month, the U.S. Ninth Circuit Court of Appeals upheld a key CVPIA provision directing the Interior Department to provide a fraction of Central Valley Project water to support salmon populations, and rejected the contractors' contentions limiting the availability of this dedicated water supply.

For these reasons, we encourage your continued support of cooperative efforts aimed at addressing the challenges in the Delta and resistance to legislative efforts that will only undermine cooperative efforts such as the Bay Delta Conservation Plan (BDCP) pursuant to the Endangered Species Act. As you know, many conservation and fishing organizations have invested substantially in the BDCP over the last six years with the hope that it will prove capable of meeting its twin goals of providing improved water supply reliability and restoration of the San Francisco Bay Delta Estuary and native California fisheries. The BDCP is at a particularly challenging stage and success is not assured by any means.

At these moments, it is not surprising that various parties may be looking to the legislative arena to provide advantages or benefits beyond what may be available under current law. In particular, we caution against turning to extreme and unprecedented remedies, such as repealing designations under federal and state Wild and Scenic River laws, overriding state and federal environmental protections or undermining the dedication of water for salmon under the CVPIA and our national wildlife refuges, as a response to short term dry year conditions.

Just as reliable supply is critically important for our farms and cities, dependable freshwater flows are essential for wildlife refuges and to the integrity of our rivers and estuary, including economically valuable fish stocks and dependent fishing communities. Maintaining basic ecosystem health is key to avoiding conflicts with water supply for consumptive use. The best outcome for California is to maintain focus on a long-term, durable solution for all interests.

Legislation that weakens environmental protections at this point would undermine the likelihood of BDCP success.

Many of the undersigned groups have demonstrated their seriousness of purpose by genuinely considering major new water infrastructure. We have entertained supporting such infrastructure because of the promise that the BDCP finally could resolve longstanding conflicts and provide reliability benefits not only to water users but also for the ecosystem. Going forward with such a high risk project will require confidence that the commitment to ecosystem restoration for species protection and recovery is meaningful. This confidence could not be reasonably maintained in the face of legislation benefitting water users at the expense of the already jeopardized estuary and fisheries.

We share your support for improved water supply reliability for California farmers, businesses and cities, and stand ready to work with you and others on solutions. Indeed, we have strongly urged that investments in water supply alternatives, allowing for reduced reliance on the Delta, are a crucial aspect of a successful BDCP. In particular, there are approximately 20 active Title 16 recycling projects in California capable of producing 200,000-300,000 acre-feet of new supply through the Bureau of Reclamation. Moving forward with funding for these projects would provide substantial opportunity for decreased urban reliance on Delta water and opportunities for urban to ag water transfers. Similarly, we support agricultural and urban water use efficiency measures, and groundwater management, that could be linked to near-term transfers to water districts in need of additional supply.

With the progress being made on these water supply reliability solutions and in light of the tremendous effort by the BDCP parties, legislative efforts will only destabilize the forward progress being made on these difficult issues. The good news is that California has considerable developed water supply that provides the flexibility in the system to help meet all water contractors' reasonable needs.

For these reasons, we thank you again for your leadership and opposition to H.R. 1837. We look forward to working closely with you and your staff on water solutions for California and the nation.

Sincerely,

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